

### Remarks

The claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. The amendments are clearly supported by the original disclosure, particularly at page 4, line 15-18; page 7, lines 1-4; page 7, lines 8-13; page 9, lines 23-30; page 16, lines 6-8; and original Figures 3, 6 and 8-10. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides an absorbent article having a fluid permeable cover, a liquid impermeable baffle and an absorbent. The absorbent is desirably situated between the cover and the baffle. The absorbent article has a principal longitudinal axis and a principal transverse axis, and is configured to provide a labial pad for disposition within the vestibule of a female wearer. The absorbent has a length, a widest portion, a width at the widest portion, a narrowest portion, a width at the narrowest portion, and a thickness. The absorbent also has first and second end regions and a central region disposed between the first and second end regions. In addition, the absorbent includes first and second spaced apart longitudinal sides, and first and second spaced apart transverse ends. The longitudinal sides together with the transverse ends generally form the periphery of the absorbent, and the widest portion of the absorbent is not situated in the central region. Further aspects of the invention are set forth in the specification and claims.

The absorbent article of the claimed invention can provide a labial pad that can be more effectively positioned and held between the labia majora of the wearer. The article can be more conveniently grasped for placement on the wearer, and can more effectively allow an individualized positioning to provide a customized fit adjustment.

Claims 3, 11, 20 and 29 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims. In view of the amendments, it is respectfully submitted that the objections to the claims have been obviated.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are respectfully requested.

Claims 1-4, 6-12, 14-15, 17-20, 22-30, 32-33 and 35 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent 5,618,282 to Schlangen (hereinafter Schlangen). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Schlangen describes an absorbent article adapted to be secured to a wearer's body. The absorbent article has a cover disposed toward the body facing surface and a baffle disposed toward the undergarment-facing surface. Positioned between the cover and the baffle is an absorbent material. An adhesive is secured to the body facing surface to hold the absorbent article in intimate contact with the wearer during use. The absorbent article further includes a detaching device for disengaging the absorbent article from the wearer's body when removal is desired. The detaching device, which may have a portion thereof elastomeric, includes a separate strip of material having spaced apart ends. The ends are secured ends to at least one surface of the absorbent article, i.e., the body facing surface, garment-facing surface or both. The medial portion of the strip is unattached forming an open area between the baffle and the separate strip material for grasping and hygienically removing the absorbent article.

Schlangen, however, does not disclose or suggest an absorbent labial pad having the configurations called for by Applicants' presented claims. In particular, Schlangen does not teach a labial pad which comprises an absorbent having a length of no greater than about 100 mm, a maximum width of no greater than about 70 mm, or a maximum thickness of no greater than about 10 mm. Neither does Schlangen teach a labial pad wherein the widest portion of the absorbent is not situated in a central region of the absorbent. Schlangen also does not teach a structure wherein such article is to be folded substantially parallel to the longitudinal axis prior to disposition within the vestibule of the wearer.

As a result, when compared to Applicants' claimed invention, the structures taught by Schlangen would not provide an effective labial pad, and would be less able to be effectively positioned and held between the labia majora of the wearer. Additionally, the configurations taught Schlangen would be less conveniently grasped for interlabial placement on the wearer, and would less effectively provide a desired, customized fit adjustment. It is, therefore, readily apparent that Schlangen does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

Claims 1-5, 8-13, 16-21, 26-31 and 34-35 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent 5,795,344 to Chappell (hereinafter Chappell). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Chappell describes an absorbent article such as a sanitary napkin which has a cover, a baffle and an absorbent between the cover and baffle and includes an embossed channel in the absorbent.

The channel is positioned inward from the absorbent edge. The channel impedes the flow of fluid toward the edges of the absorbent article and increases absorbent utilization in the absorbent article.

Chappell, however, does not disclose or suggest an absorbent labial pad having the configurations called for by Applicants' presented claims. In particular, Chappell does not teach a labial pad which comprises an absorbent having a length of no greater than about 100 mm, a maximum width of no greater than about 70 mm, or a maximum thickness of no greater than about 10 mm. Neither does Chappell teach a labial pad wherein the widest portion of the absorbent is not situated in a central region of the absorbent. Chappell also does not teach a structure wherein such article is to be folded generally parallel to the longitudinal axis prior to disposition within the vestibule of the wearer.

As a result, when compared to Applicants' claimed invention, the structures taught by Chappell would not provide an effective labial pad, and would be less effectively positioned and held between the labia majora of the wearer. Additionally, the arrangements taught Chappell would be less conveniently grasped for interlabial placement on the wearer, and would less effectively provide a desired, customized fit adjustment. It is, therefore, readily apparent that Chappell does not disclose or suggest the invention called for by Applicants' presented claims.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

Claims 1-2, 4, 8-10, 12, 14-15, 17-19, 21-28, 30, 32-33 and 35 have been rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. 2002/0115976 to Fleming (hereinafter Fleming), which incorporates U.S. Patent 5,968,026 to Osborn III, et al. (hereinafter Osborn). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Fleming describes a method for administering an agent intravaginally or to the interlabial space by positioning an interlabial device between the labia. The pad is retained between the labia for a sufficient period of time to deliver an active agent, or allow a reaction with a diagnostic agent. Alternatively, the pad is applied after medication is administered. In particular examples, the pad has a smaller minor portion superimposed on a larger major portion, and the smaller minor portion is inserted as a leading edge between the labia to facilitate interlabial insertion. The pad can have a variety of shapes, including major and minor portions that are portions of spheres or ellipsoids, or which are elongated and have cross-sections that are circular or ellipsoid, or pads which are folded.

Fleming, however, does not disclose or suggest an absorbent labial pad having the configurations called for by Applicants' presented claims. In particular, Fleming does not teach a labial pad which is to be folded prior to disposition within the vestibule of the wearer, and includes a further combination wherein the absorbent has a maximum thickness of no greater than about 10 mm and the widest

portion of the absorbent is not situated in a central region of the absorbent. Neither does Fleming provide any suggestion to make the modifications needed to derive Applicants' claimed invention.

As a result, when compared to Applicants' claimed invention, the structures taught by Fleming would be less effectively positioned and held between the labia majora of the wearer. Additionally, the structures taught by Fleming would be less conveniently grasped for interlabial placement on the wearer, and would less effectively provide a desired, customized fit adjustment. It is, therefore, readily apparent that Fleming does not disclose or suggest the distinctive combinations called for by Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

RONALD L. EDENS, ET AL.

By: \_\_\_\_\_

Paul Yee

Registration No.: 29,460

Attorney for Applicants

#### CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on June 6, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: \_\_\_\_\_

Judith M. Anderson